

United States Courts Southern  
District of Texas  
FILED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

**10/19/2021**

**UNITED STATES OF AMERICA**

**Vs.**

**Brittany Wilhite  
Tyrone Ervin**

Nathan Ochsner, Clerk of Court  
**CRIMINAL COMPLAINT**

Case Number: 2:21-mj-1292

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 17, 2021 in Kenedy County, in the  
(Date)

Southern District of Texas, defendant, **Brittany Wilhite  
Tyrone Ervin**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the  
Official Title  
following facts:

See Attached Affidavit of U.S. Border Patrol Agent **Adam S. Nichols**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:



Signature of Complainant

**Adam S. Nichols**

Printed Name of Complainant

October 19, 2021

Date

at

Corpus Christi, Texas

City and State

**Mitchel Neurock U.S. Magistrate Judge**

Name and Title of Judicial Officer



Signature of Judicial Officer

## **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

### **FACTS/DETAILS:**

On October 17, 2021, at approximately 2:45 p.m., a white Toyota RAV4 approached the primary inspection lane of the United States Border Patrol Immigration Checkpoint near Sarita, Texas. The primary agent questioned the driver, later identified as Brittany Wilhite, if she was a United States citizen. Wilhite replied to the agent, "Yes hunny" and began to dance in the vehicle with the music volume extremely loud. The primary agent moved to question the backseat passengers. The primary agent asked one of the backseat passengers if he was a United States citizen. The backseat passenger took a bite of a piece of fried chicken and did not respond to the primary agent. Wilhite interjected, "Yes, everyone is a U.S. citizen, baby." The primary agent asked the passenger the same question. This time the passenger moved his head up and down as if he was nodding while taking another bite of chicken. Another backseat passenger attempted to answer the agent by replying, "Yes" with a heavy accent. The primary agent referred the vehicle to secondary inspection for a more thorough immigration inspection.

In the secondary inspection area, the three rear seat passengers were questioned as to their immigration status. All three rear passengers admitted to being citizens of countries other than the United States and illegally present in the United States. Wilhite and the front seat passenger, later identified as Tyrone Ervin, were placed under arrest for suspected alien smuggling. The illegal aliens were placed under arrest and escorted into the checkpoint for further investigation.

All individuals were read their Miranda Rights in their preferred language and signed stating they understood their rights. Wilhite and Ervin were willing to provide a statement to agents without an attorney present.

### **PRINCIPAL STATEMENT (Brittany Wilhite):**

Wilhite stated she was contacted by a person she knows as "Big Boy" and asked to smuggle three illegal aliens through the checkpoint. Wilhite stated she was given the addresses where to pick up aliens through text messages on her phone. Wilhite stated she picked up one alien at an apartment in San Juan, Texas. Wilhite stated they then drove to McAllen, Texas to pick up the other two aliens. Wilhite stated she was to be paid \$1,000 for taking the aliens to Houston, Texas. Wilhite admitted to smuggling aliens on prior dates and had been caught each time.

### **CO-PRINCIPAL STATEMENT (Tyrone Ervin):**

Ervin stated he was picked up by Wilhite from the shelter where he lives. Ervin stated Wilhite approached him and asked if he would want to go on a "run" with her. Ervin stated to agents he knew when Wilhite stated she was going on a "run" that she was referring to picking up and smuggling people. Ervin stated he knew Wilhite had smuggled at least ten times and has bragged in the past about the amount of money she has received from those actions. Ervin stated Wilhite was provided with the address of where to pick up the illegal aliens by a man she knows as "Big

Boy.” Ervin stated they went to an apartment in McAllen but no one was there. Ervin stated they then went to a carwash in Raymondville, Texas next to a Church’s Restaurant. At this carwash a black Chrysler approached their vehicle and dropped off the three illegal aliens. Ervin stated the three aliens entered the back seat. Ervin stated they then drove to the Church’s Restaurant and bought some chicken for everyone in the vehicle. Ervin stated they then drove to the checkpoint. Ervin stated before they arrived at the checkpoint Wilhite told the aliens they were getting close to the checkpoint, to act normal, and eat some fried chicken. Ervin stated Wilhite’s dancing and loud music was part of her act to get through the checkpoint. When asked, Ervin admitted to being arrested previously as a passenger in an alien smuggling case approximately three weeks prior. Ervin stated he was asked to go with a male driver and was to be paid \$200 for accompanying him on that event.

**DISPOSITION:**

The facts of this case were presented to the Assistant United States Attorney Office who accepted Brittany Wilhite and Tyrone Ervin for prosecution of 8 USC 1324, Alien Smuggling. Costa Hernandez-Martinez will be held as a material witness.



Adam S. Nichols  
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this day October 19, 2021.



Mitchel Neurock  
United States Magistrate Judge